

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	Case Nos. 3:02cr0005
		3:12cv00157
vs.	:	
ROBERT A. STONEROCK,	:	District Judge Walter Herbert Rice
Defendant.	:	Magistrate Judge Sharon L. Ovington

ORDER

This case is before the Court on Petitioner 's *pro se* Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. §2255 and Memorandum in Support. (Doc. # 274). The matter is before the Court for initial consideration under Rule 4 of the Rules Governing §2255 Motions. The matter has been referred to United States Magistrate Judge pursuant to the General Order of Assignment and Reference filed on July 25, 2011.

Upon preliminary consideration pursuant to Rule 4 of the Rules Governing §2255 Cases, the Court finds that it does not plainly appear from the face of the Motion that Petitioner is not entitled to relief in this Court. The United States Attorney shall therefore file an answer **on or before July 6, 2012** conforming to the requirements of Rule 4 of the Rules Governing §2255 Cases. Specifically, the answer shall respond to each allegation made in the Motion, raise any affirmative defenses available to the United States, and state whether

Petitioner has previously received an evidentiary hearing on any of the matters he now raises or whether he is entitled to an evidentiary hearing in this proceeding.

It is therefore **ORDERED** that:

1. The United States Attorney shall file an answer **on or before July 6, 2012** as set forth above; and
2. Petitioner is not required to file a response to the Government's Answer. If Petitioner desires to file a response, he must do so **within twenty-one days from service of Respondent's answer.**

May 25, 2012

s/Sharon L. Ovington
Sharon L. Ovington
United States Magistrate Judge